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Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: Wendy A. Frick

1645 \$

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Galloway, et al.

Serial No.: 09/747,521

Filed: December 21, 2000

For: **METHODS FOR PROTECTION
AGAINST LETHAL INFECTION WITH
*BACILLUS ANTHRACIS***

Examiner: Shahnan-Shah, Khatol S.

Art Unit: 1645

Attorney Docket No.: 2027/04079

Assistant Commissioner for Patents
Washington, D.C. 20231



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U.S. PATENT & TRADEMARK OFFICE
TECH CENTER 1600/2000

TRANSMITTAL OF RESPONSE TO ELECTION OF SPECIES REQUIREMENT AND
SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

Transmitted herewith are the following:

1. Response to Election of Species Requirement and Supplemental Preliminary Amendment;
2. A check in the amount of \$18.00 as payment of two (2) additional dependent claims; and
3. A Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: March 21, 2002

By:

Pamela A. Docherty
Pamela A. Docherty, Reg. No. 40,591
(216) 622-8416



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Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT AND
SUPPLEMENTAL PRELIMINARY AMENDMENT

The following is in response to the election of species requirement mailed February 22, 2002.

Please amend the above-described application as follows:

IN THE CLAIMS:

Please amend the elected claims as follows:

C9
B1
C10
G1

23. (Twice Amended) A nucleic-acid based immunogenic composition for preparing a vaccine which protects a subject against lethal infection with *B. anthracis*, said immunogenic composition comprising a first polynucleotide which encodes a mutated lethal factor (LF) protein or immunogenic fragment of said mutated LF protein, said first polynucleotide being operably linked to a promoter which drives expression of the the mutated LF protein or immunogenic fragment of said mutated LF protein; and a pharmaceutically acceptable carrier or diluent.

B2
G10
G1

31. (Once amended) The nucleic-acid based immunogenic composition of claim 23

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